

Message Text

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PAGE 01 OTTAWA 00164 190703Z
ACTION EUR-12

INFO OCT-01 ISO-00 TRSE-00 SSO-00 NSCE-00 SS-15 NSC-05
CIAE-00 INR-07 NSAE-00 INRE-00 DLOS-06 SAL-01 OES-06
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TO SECSTATE WASHDC NIACT IMMEDIATE 2150

CONFIDENTIAL OTTAWA 0164

CORRECTED COPY (PARA 3 SUB-PARA 1 LINE 12)

FOR EUR/CAN - MR. ROUSE

E.O. 11652: GDS
TAGS: SENV, PBOV, EFIS, CA
SUBJECT: MARITIME BOUNDARY AND FISHERY NEGOTIATIONS

REF: OTTAWA 157

1. EXTAFF UNDER SECRETARY ROBINSON TELLS ME THIS MORNING
THAT HE EXPECTS TO MEET IN A JOINT DRAFTING SESSION THIS
EVENING.

2. FOLLOWING IS DRAFT OUTLINE OF JOINT PAPER FROM WHICH
I PROPOSE TO WORK, ALONG WITH REQUESTS FOR GUIDANCE.

3. BEGIN TEXT: FRAMEWORK FOR SETTLEMENT OF CANADA/US
MARITIME BOUNDARY AND FISHERY NEGOTIATIONS.

(1). THE TWO GOVERNMENTS WILL ENDEAVOR TO CONCLUDE
A SHORT TERM FISHERIES AGREEMENT TO EXPIRE DECEMBER 31,
1977. THE PATTERN OF FISHING UNDER THE AGREEMENT WOULD
BE CONSISTENT WITH THE STATUS QUO. THERE WOULD BE NO
PROVISION FOR JOINT MANAGEMENT, ENFORCEMENT OR SURVEILLANCE.
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THE AGREEMENT WOULD BE CONSISTENT WITH COASTAL AND
JURISDICTION OUTSIDE THE AREA BETWEEN THE LINES PUBLISHED
BY THE TWO GOVERNMENTS. COMMENT: CANADIANS MAY WANT TO SOFTEN
THIS TO READ "PREPARED TO DISCUSS AN APPROACH THAT WOULD BE
CONSISTENT." IF SO, I WILL SUBMIT TO WASHINGTON WITHOUT
COMMITMENT). THE AGREEMENT WOULD BE WITHOUT PREJUDICE TO
PUBLISH CLAIMS OR THE OUTCOME OF SUBSEQUENT NEGOTIATIONS FOR

LONG TERM ARRANGEMENTS. (COMMENT: IF, AS EXPECTED, CANADIANS OBJECT TO THIS FORMULATION OF DISCLAIMER, MAY I ACCEPT FORMULATION IN THEIR ORDER IN COUNCIL: "WITHOUT PREJUDICE TO ANY NEGOTIATIONS RESPECTING THE LIMITS OF MARITIME JURISDICTION," OR THE ONE IN THEIR AIDE MEMOIRE OF JANUARY 17: "NOT PREJUDICIAL TO THE POSITIONS OF EITHER GOVERNMENT ON THE BOUNDARIES ISSUE.") NO EXTENSION WOULD BE ENVISAGED. (COMMENT: IT MAY BE NECESSARY TO HAVE A SPLIT TEXT HERE, WITH THE CANADIANS CALLING FOR EXTENSION AND THE US STATING THAT IT WOULD NOT EXCLUDE AGREEMENT TO SHORT TERM FISHERY ARRANGEMENTS FOR A LIMITED PERIOD FOLLOWING 1977 IN THE EVENT OF THIRD PARTY SETTLEMENT, BUT ONLY WHERE MUTUALLY SATISFACTORY AGREEMENT ON THE REFERENCE HAD BEEN REACHED IN ADVANCE.)

(2). THE TWO GOVERNMENTS WILL ENDEAVOR TO NEGOTIATE A PERMANENT REGIME FOR THE GULF OF MAINE DURING 1977. DURING THESE NEGOTIATIONS, FOUR ELEMENTS WILL BE ADDRESSED: BOUNDARIES, LONG-TERM FISHERY ARRANGEMENTS, LONG-TERM HYDROCARBON ARRANGEMENTS, AND MARINE POLLUTION ARRANGEMENTS. THE INTERRELATIONSHIPS OF THE FOUR ELEMENTS CANNOT BE DESCRIBED AT THE PRESENT TIME. NEGOTIATIONS ON BOUNDARY AND RELATED QUESTIONS WILL RESUME IN LATE FEBRUARY. NEGOTIATIONS ON LONG-TERM FISHERY ARRANGEMENTS WILL RESUME IN (BLANK). (COMMENT: PER OTTAWA 157, I HOPE TO BE AUTHORIZED TO FILL THIS BLANK IN AS "MID MARCH".)

(3). IF THE TWO COUNTRIES DO NOT REACH AGREEMENT ON THE GULF OF MAINE MARITIME BOUNDARY BY DECEMBER 31, 1977,
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THEY WILL SUBMIT THE BOUNDARY ISSUE TO THIRD PARTY SETTLEMENT. (COMMENT: I WILL PUSH FOR INCLUSION OF THE WORD "BINDING" BUT MAY SETTLE FOR "CONCLUSIVE" IN THE TERMS OF SECSTATE 010198, PARA 5. IN LATTER CASE, THERE WOULD BE A NOTE IN THIS PARAGRAPH OR IN PARA ONE STATING THAT US WOULD ENVISAGE SHORT-TERM FISHERIES ARRANGEMENTS AFTER 1977 ONLY IF A MUTUALLY SATISFACTORY AGREEMENT ON THIRD PARTY PREFERENCE HAD BEEN REACHED IN ADVANCE.)

(4). DURING 1977 THE TWO GOVERNMENTS WILL PROCEED WITH NEGOTIATIONS ON THE THREE OTHER MARITIME BOUNDARIES. WHERE APPROPRIATE, THE FOUR ELEMENTS LISTED IN PARA TWO ABOVE WOULD BE ADDRESSED. SHOULD THE TWO GOVERNMENTS NOT REACH AGREEMENT ON ONE OR SEVERAL OF THESE BOUNDARIES THEY WOULD AGREE WHETHER OR NOT TO SUBMIT IT OR THEM TO THIRD PARTY SETTLEMENT. (COMMENT: AS IN PARA 3, I WOULD PRESS FOR "BINDING" AND SETTLE FOR "CONCLUSIVE" AS NECESSARY.) END TEXT.

4. MY AGREEMENT WITH ROBINSON IS THAT NEITHER SIDE
WILL TABLE A DRAFT, BUT THAT THERE WOULD BE A JOINT DRAFTING
SESSION. RESULT WOULD BE SUBMITTED TO WASHINGTON FOR CONFIRMA-
TION.
ENDERS

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Message Attributes

Automatic Decaptioning: X
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Copy: SINGLE
Sent Date: 18-Jan-1977 12:00:00 am
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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